


# EXHIBIT A

Re : Delbane v. Rochester Manor, Civ. A. No. 12-01223 - Depositions 

Marie Rivera Johnson to: Timothy Kolman, Crystal Schwartz

06/03/2013 04:31 PM

Cc: Jennifer Park, James Brown

Mr. Kolman,

We have been working to find dates available for both counsel and deponents, since you have attempted to unilaterally schedule depositions for nine individuals over two days. We have already informed you that Defendants are unavailable for depositions on June 10th and June 11th.

With regard to your proposed depositions, Lynn Kester, Sue Harris, Samantha Stitler and Joanie Covert Adkins are available on June 18, 19, and 20, as well as the 24th through the 27th. We are still waiting to obtain availability from Sue Marchionda. The remaining proposed deponents are not currently employed by Rochester Manor and/or represented by Defendants' counsel.

In the meantime, please note that I have tried to reach you multiple times since February and left a message at your office seeking availability to conduct the Early Neutral Evaluation (ENE). I never received any response regarding your availability to conduct ENE. Judge Benson's office has recently informed me that he is unavailable for any dates in June except for the 21st and the 28th. Both of these dates are past the June 14, 2013 deadline imposed by the court. The court's clerk recommended that the parties file a joint motion seeking to extend the deadline for ENE. Defendants are available to conduct ENE on June 28th, although we are not available on June 21. Please let us know at your earliest convenience whether you are available on June 28th for an ENE and whether you object to filing a joint motion to extend the ENE deadline.

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Timothy Kolman

Please be advised we are not rescheduling the d...

05/28/2013 08:24:33 PM

From: Timothy Kolman <tkolman@Kolmanlaw.net>  
To: "MRiveraJohnson@cohenlaw.com" <MRiveraJohnson@cohenlaw.com>,  
Cc: Crystal Schwartz <cschwartz@Kolmanlaw.net>, "JBrown@cohenlaw.com" <JBrown@cohenlaw.com>,  
Date: 05/28/2013 08:24 PM  
Subject: Re: Delbane v. Rochester Manor, Civ. A. No. 12-01223 - Depositions

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Please be advised we are not rescheduling the depositions. If you have alternative dates provide them otherwise they will go ahead as scheduled.

Tim Kolman

Sent from my iPhone

On May 28, 2013, at 4:06 PM, "MRiveraJohnson@cohenlaw.com" <MRiveraJohnson@cohenlaw.com> wrote:

Mr. Kolman,

In response to your correspondence seeking to schedule depositions for nine individuals on June 10 and June 11th, 2013 in the above-referenced matter, please be advised that counsel for Defendant is unavailable on those dates. Therefore, we would ask that you propose different dates for these depositions. In light of the motions pending before the court, including Defendants' Motion to Stay, we would recommend that depositions be scheduled later in the month of June to allow the court time to resolve the pending matters.

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